

Seth W. Wiener, California State Bar No. 203747
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Attorney for Plaintiff
JOANNE RODRIGUES

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOANNE RODRIGUES,

Plaintiff,

v.

ALLIANT CREDIT UNION; and DOES 1
through 10, inclusive,

Defendants.

Case No.: 4:21-cv-01111-DMR

NOTICE OF MOTION AND MOTION TO
WITHDRAW AS COUNSEL FOR
PLAINTIFF JOANNE RODRIGUES;
MEMORANDUM OF POINTS AND
AUTHORITIES

Judge: Hon. Donna M. Ryu

Date: Thursday, October 14, 2021

Time: 1:00 p.m.

Ctrm: Courtroom 4, 3rd Floor

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on October 14, 2021, at 1:00 p.m., or as soon thereafter as the matter may be heard in the above-entitled court, in Courtroom 4 of the above-referenced Court located at the Oakland Courthouse, 1301 Clay Street, Oakland, CA 94612, before the Honorable Donna M. Ryu, Attorney Seth W. Wiener will move to withdraw as counsel for Plaintiff Joanne Rodrigues, pursuant to Civil Local Rule 11-5 and the Rules of Professional Conduct of the State Bar of California.

This motion will be based on this Notice of Motion and Motion, the complete files and records of this action, the Memorandum of Points and Authorities below, the Declaration of Seth W. Wiener, and such other and further matters as may be raised in oral argument before the Court. Notice of this Motion has been provided by email to Joanne Rodrigues.

1 This Motion is expected to be unopposed. Attorney Seth W. Wiener requests that the Court
2 consider granting the withdrawal at the Case Management Conference scheduled in this action on
3 September 15, 2021, in order to avoid any undue delay.

4 Dated: August 30, 2021

LAW OFFICES OF SETH W. WIENER

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7 By: _____

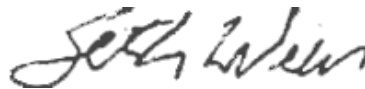
Seth W. Wiener
Attorneys for Plaintiff
JOANNE RODRIGUES

MEMORANDUM OF POINTS AND AUTHORITIES

Attorney Seth W. Wiener (“Attorney Wiener”) hereby moves to withdraw as counsel for Plaintiff Joanne Rodrigues (“Plaintiff”), pursuant to Civil Local Rule 11-5 and Rule 1.16 of the Rules of Professional Conduct of the State Bar of California. This request to withdraw as counsel is being made as Plaintiff purported to terminate the services of Attorney Wiener on August 26, 2021, and Plaintiff’s conduct had made it unreasonably difficult for Attorney Wiener to carry out Plaintiff’s representation effectively. (Declaration of Seth W. Wiener, ¶ 2). Consistent with Rule 1.16 of the Rules of Professional Conduct, Attorney Wiener has taken reasonable steps to avoid reasonably foreseeable prejudice to the rights of Plaintiff, including giving due notice to Plaintiff, allowing time for employment of other counsel, and will promptly release all client papers and documents to Plaintiff upon the representation being terminated. (Declaration of Seth W. Wiener, ¶ 3). This Motion is necessary because Plaintiff had refused to sign a Stipulation Regarding Withdrawal of Seth W. Wiener, and had instead demanded that Attorney Wiener execute a Consent Order Granting Substitution of Attorney (AO 154) which Attorney Wiener refused to do as it falsely listed Plaintiff as being an attorney. (Declaration of Seth W. Wiener, ¶ 4). For these reasons, the Motion to Withdraw should be granted.

Dated: August 30, 2021

LAW OFFICES OF SETH W. WIENER



By: _____

Seth W. Wiener
Attorneys for Plaintiff
JOANNE RODRIGUES